IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 1540 of 2004(G)

PETITIONER:

M/S. ALEXANDRIA PLANTATIONS, PATTASSERY HOUSE, MUDICKAL P.O., PERUMBAVOOR VIA., REPRESENTED BY ITS PROPRIETOR.

BY ADV. SRI.PAULSON C.VARGHESE, SRI.C.ARUN PRASANTH.

RESPONDENTS:

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1. **ASSISTANT PROVIDENT FUND COMMISSIONER EMPLOYEES PROVIDENT FUND ORGANISATION, SUB-REGIONAL OFFICE, CALICUT, P.B.NO.1806, ERANHIPALAM P.O., KOZHIKODE.**

2. **ENFORCEMENT OFFICER, EMPLOYEES PROVIDENT FUND ORGANIZATION, DISTRICT OFFICE, RAM ARECADE, CHANDRANAGAR P.O., PALGHAT.**

BY ADV.SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.1540/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOTICE DTD. 31/03/2003 ISSUED BY THE PETITIONER.

EXT.P.2: COPY OF THE NOTICE DTD. 26/07/2003 ISSUED TO THE PETITIONER.

RESPONDENT'S EXHIBITS:

EXT.R1.A: COPY OF THE FORM 5 A RETURN OF OWNERSHIP SUBMITTED BY THE PETITIONER.

EXT.R.1.B: COPY OF THE LETTER NO. KR/KK/483/ENF. II (2)/2003/10690 DTD. 17/02/2003 ISSUED BY THE RESPONDENT.

EXT.R1.C: COPY OF THE ORDER DTD. 03/05/2001 FOR THE PERIOD 08/2000 TO 12/2001.

EXT.R1.D: COPY OF THE ORDER DTD. 21/08/2001 FOR THE PERIOD 02/2001 TO 05/2001.

EXT.R1.E: COPY OF THE ORDER DTD. 19/12/2001 FOR THE PERIOD 07/2001 TO 08/2001.

EXT.R1.F: COPY OF THE ORDER DTD. 08/04/2002 FOR THE PERIOD 09/2001 TO 02/2002.

EXT.R1.G: COPY OF THE ORDER DTD. 29/10/2002 FOR THE PERIOD 03/2002 TO 07/2002.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 1540 OF 2004

Dated this the 12th day of July, 2007.

J U D G M E N T

In view of the extreme financial difficulties, it is prayed that the petitioner may be permitted to pay the balance dues to the Provident Fund in affordable installments.

2. Ordinarily it is for the petitioner to approach the first respondent. However, taking note of the peculiar facts and circumstances of the case particularly the fact that the plantation has already been closed down, the petitioner shall be permitted to clear the balance dues in ten monthly installments starting from the month of August 2007. In case the petitioner defaults any two consecutive monthly installments, it will be open to the respondents to recover the amount in lump.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp